

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-01367-EGS**

LEGAL SERVICES OF EASTERN MISSOURI v. U.S.  
DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

**Plaintiff**

**LEGAL SERVICES OF EASTERN  
MISSOURI**

represented by **Patrick D. Llewellyn**  
PUBLIC CITIZEN LITIGATION  
GROUP  
1600 20th Street, NW  
Washington, DC 20009  
(202) 588-7727  
Fax: (202) 588-7795  
Email: [pllewellyn@citizen.org](mailto:pllewellyn@citizen.org)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Michael T. Kirkpatrick**  
PUBLIC CITIZEN LITIGATION  
GROUP  
1600 20th Street, NW  
Washington, DC 20009  
(202) 588-7728  
Fax: (202) 588-7795  
Email: [mkirkpatrick@citizen.org](mailto:mkirkpatrick@citizen.org)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

represented by **Damon William Taaffe**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2544  
Fax: (202) 252-2599  
Email: [damon.taaffe@usdoj.gov](mailto:damon.taaffe@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/13/2019	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ( Filing fee \$ 400 receipt number 0090-6118442) filed by LEGAL SERVICES OF EASTERN MISSOURI. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to Attorney General, # <u>3</u> Summons to HUD, # <u>4</u> Summons to United States Attorney)(Kirkpatrick, Michael) (Entered: 05/13/2019)
05/13/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by LEGAL SERVICES OF EASTERN MISSOURI (Kirkpatrick, Michael) (Entered: 05/13/2019)

05/13/2019		Case Assigned to Judge Emmet G. Sullivan. (zeg) (Entered: 05/13/2019)
05/13/2019	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 05/13/2019)
05/14/2019	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/14/2019. Answer due for ALL FEDERAL DEFENDANTS by 6/13/2019. (Kirkpatrick, Michael) (Entered: 05/14/2019)
05/15/2019	<u>5</u>	NOTICE of Appearance by Damon William Taaffe on behalf of U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Taaffe, Damon) (Entered: 05/15/2019)
05/16/2019	<u>6</u>	NOTICE of Appearance by Patrick D. Llewellyn on behalf of LEGAL SERVICES OF EASTERN MISSOURI (Llewellyn, Patrick) (Entered: 05/16/2019)
05/20/2019	<u>7</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 05/20/19. (Attachment: Exhibit 1) (mac) (Entered: 05/20/2019)
05/29/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/20/2019. (Kirkpatrick, Michael) (Entered: 05/29/2019)
06/13/2019	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.(Taaffe, Damon) (Entered: 06/13/2019)
06/25/2019		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than August 5, 2019. The parties joint proposed scheduling order shall address the following: (1) The status of plaintiffs FOIA request; (2) The anticipated number of documents responsive to plaintiffs FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiffs FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 6/25/2019. (lcegs2) (Entered: 06/25/2019)
06/25/2019		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 8/5/2019. (mac) (Entered: 06/25/2019)
06/28/2019	<u>10</u>	Joint MOTION for Briefing Schedule by LEGAL SERVICES OF EASTERN MISSOURI (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Lisa D'Souza in Support of Plaintiff's Position)(Llewellyn, Patrick) (Entered: 06/28/2019)
07/12/2019	<u>11</u>	NOTICE OF NON-OPPOSITION TO DEFENDANT'S PROPOSED BRIEFING SCHEDULE by LEGAL SERVICES OF EASTERN MISSOURI re <u>10</u> Joint MOTION for Briefing Schedule (Attachments: # <u>1</u> Exhibit Letter from St. Louis County Executive to HUD Field Office Director)(Kirkpatrick, Michael) (Entered: 07/12/2019)
07/13/2019		MINUTE ORDER granting <u>10</u> joint motion for briefing schedule. In light of the representations made in <u>11</u> the plaintiff's notice of non-opposition to defendant's proposed briefing schedule, the following schedule shall govern these proceedings: Defendant shall file its motion for summary judgment by no later than August 14, 2019. Plaintiff shall file its cross-motion for summary judgment and opposition by no later than September 4, 2019. Defendant shall file its opposition to plaintiff's cross-motion and its reply by no later than September 18, 2019. Plaintiff shall file its reply by no later than September 25, 2019. Signed by Judge Emmet G. Sullivan on 7/13/19.(lcegs2) (Entered: 07/13/2019)

07/15/2019		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 8/14/2019. Plaintiff Cross-Motion For Summary Judgment And Opposition due by 09/04/2019. Defendant Opposition To Plaintiff's Cross-Motion And Reply due by 9/18/2019. Plaintiff Reply due by 9/25/2019. (mac) (Entered: 07/15/2019)
08/14/2019	<u>12</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Streeter Declaration, # <u>4</u> Exhibits)(Taaffe, Damon) (Entered: 08/14/2019)
08/27/2019		MINUTE ORDER denying without prejudice <u>12</u> defendant's motion for summary judgment for failure to comply with paragraph 13 of <u>7</u> the Court's standing order governing civil cases. The plaintiff's deadline to respond to the defendant's motion for summary judgment is hereby VACATED. The parties are directed to submit a proposed schedule for rebriefing summary judgment by no later than September 6, 2019. Signed by Judge Emmet G. Sullivan on 8/27/2019. (lcegs2) (Entered: 08/27/2019)
09/03/2019	<u>13</u>	Amended MOTION for Summary Judgment by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Attachments: # <u>1</u> Statement of Facts (Corrected), # <u>2</u> Streeter Declaration, # <u>3</u> Exhibits, # <u>4</u> Memorandum in Support)(Taaffe, Damon) (Entered: 09/03/2019)
09/06/2019	<u>14</u>	PROPOSED BRIEFING SCHEDULE ( <i>JOINT</i> ) by LEGAL SERVICES OF EASTERN MISSOURI. (Attachments: # <u>1</u> Text of Proposed Order)(Kirkpatrick, Michael) (Entered: 09/06/2019)
09/10/2019	<u>15</u>	Cross MOTION for Summary Judgment by LEGAL SERVICES OF EASTERN MISSOURI (Attachments: # <u>1</u> Declaration of Lisa J. D'Souza with Attached Exhibits, # <u>2</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 09/10/2019)
09/10/2019	<u>16</u>	Memorandum in opposition to re <u>13</u> Amended MOTION for Summary Judgment filed by LEGAL SERVICES OF EASTERN MISSOURI. (Attachments: # <u>1</u> Declaration of Lisa J. D'Souza with Attached Exhibits, # <u>2</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 09/10/2019)
09/27/2019	<u>17</u>	Memorandum in opposition to re <u>15</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Declaration Sherrod)(Taaffe, Damon) (Entered: 09/27/2019)
09/27/2019	<u>18</u>	REPLY to opposition to motion re <u>13</u> Amended MOTION for Summary Judgment filed by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # <u>1</u> Statement of Facts (Reply), # <u>2</u> Declaration Sherrod)(Taaffe, Damon) (Entered: 09/27/2019)
10/07/2019	<u>19</u>	Joint STATUS REPORT by LEGAL SERVICES OF EASTERN MISSOURI. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 10/07/2019)
10/07/2019		MINUTE ORDER. Upon consideration of <u>19</u> the parties' joint status report, the parties are directed to file a joint stipulation of dismissal or a further joint status report with a recommendation for further proceedings by no later than November 6, 2019. Signed by Judge Emmet G. Sullivan on 10/7/2019. (lcegs2) (Entered: 10/07/2019)
10/08/2019		Set/Reset Deadlines: Joint Stipulation Of Dismissal Or Further Joint Status Report due by 11/6/2019. (mac) (Entered: 10/08/2019)
11/06/2019	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Taaffe, Damon) (Entered: 11/06/2019)
11/07/2019		MINUTE ORDER. In view of <u>20</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than November 20, 2019. Signed by Judge Emmet G. Sullivan on 11/7/2019. (lcegs2) (Entered: 11/07/2019)
11/07/2019		Set/Reset Deadlines: Further Joint Status Report due by 11/20/2019. (mac) (Entered: 11/07/2019)
11/13/2019	<u>21</u>	STIPULATION and Proposed Order by LEGAL SERVICES OF EASTERN MISSOURI. (Llewellyn, Patrick) (Entered: 11/13/2019)